

Consultation Response from KC Landscape

Application No:	2023/93704
Proposed Development:	Erection of 10 dwellings and associated works [amended to 12 (Sept 2024)]
Location:	land northwest of, Urban Terrace, Denby Lane, Grange Moor, Huddersfield, WF4 4EB
Applicant/Agent:	Broadgrove Planning & Development Ltd
Planning Officer	William Simcock
Date Responded:	25.09.2024
Responding Officer:	Landscape
Responding Ref:	MM126

NOTES/COMMENTS: These comments are Without Prejudice

Submission of measured areas and typologies of open space to meet requirements of LP63 is required as per validation checklist. Please confirm measured areas for the on site pos and typologies for the calculations.

RESIDENTIAL DEVELOPEMENT
AT GRANGE MOOR, WAKEFIELD
DESIGN & ACCESS STATEMENT

[9] OPEN SPACE

9.1 Within the site we have allowed for 3 **Public Open Spaces**, two of which are larger grassed areas with site furniture, allowing residents to enjoy the outdoor areas. We have incorporated the POS sites within the zones of influences for the mineshafts to maximise plot areas. The Proposal offers generous amounts of shared green space, with wildflower mixes, trees and grassed areas.



Page | 11

1. The plan for the open space and usage by the public is very indicative in landscape terms, therefore difficult to provide meaningful comments, however, some greenspace on site is shown and is welcome, as outlined in the D&A statement (above) however, consider access and purpose of the spaces being created. Will the spaces provided meet the needs of the widest possible range of users, be easily accessible and enjoyed by all people, regardless of visual, physical and cognitive ability, mobility or age.

2. The area more likely a highways verge is in front of property no 5. There looks to be no access to the

area over the attenuation tank and this is proposed wildflower mix so is public accessibility for all even anticipated here?

3. Greenspace on site is welcome, however, consider access and their purpose (and typology). Will the space provided meet the needs of the widest possible range of users, be easily accessible and enjoyed by all people, regardless of visual, physical and cognitive ability, mobility or age.

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*** Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate*

12. Landscape proposals, particularly frontline tree planting and planting to open spaces, should identify all proposed root protection/barriers, drainage, suds and attenuation or soakaways and all easements to ensure trees are accommodated satisfactorily.
13. Additionally, we would anticipate all new tree planting within 5m of the adoptable highway to include adequate root barrier, clearly identified on the proposed landscape plans.
14. Details should be submitted for proposed tree planting in front gardens and highways verges demonstrating adequate soil volumes and tree pit details to support the growth of the tree for the long term, such as: the volume of tree pits, details of soil volume & root management, details of installation, timing/planting season and long term management.
15. In addition, please note that we consider Para 135- which states Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
16. Access: The design and construction of a network of cycleways and pathways should showcase the developers aim and commitment to promoting sustainable and eco-friendly transportation options. We will require details of how the landscaped areas or open spaces link and demonstrate accessibility for all.
17. When submitting detailed landscape proposals, preference is for species which are native, fruit bearing species, where appropriate. Not potentially invasive species and details from Natural England [can be found here](#).
There's some further guidance on [NNSS on alternative species to use for landscapers here](#).
Species selection is important and those which are potentially more invasive should be substituted for less potentially invasive species.
No plant species located on part 2 of schedule 9 of the [Wildlife and Countryside Act 1981 \(legislation.gov.uk\)](#) shall be considered.
18. Preference is for native plants and for plants proven as beneficial to pollinators where possible for this location. Native, fruit bearing species preferred where appropriate.
19. It doesn't look like any management plan for the scheme has been submitted. The plans should provide details of planting and maintenance requirements for the trees and planting to meet our expectations.
 - We will need to see a management plan for the landscaping scheme to ensure the scheme successfully establishes. The management of newly establishing trees should include, but is not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.
20. Landscape maintenance and management plans can be dealt with via pre commencement condition – see indicative condition below.
21. If the landscaping scheme can be secured by condition then it should be **to prevent the quality and number of trees from being eroded in any subsequent applications**.
22. Meeting LP63 for open space typologies, on site and/or off site provision

The Developer should refer to the adopted Open Spaces SPD ([Open Space SPD \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/open-space-spds) published June 2021) which sets out the requirements for open space, sport and recreation provision to serve new housing developments and other SPD's for design etc: [Adopted Supplementary Planning Documents \(SPDs\) | Kirklees Council](#)

23. These SPDs are considered a 'comply or justify' approach. If proposals for open space are not in accordance with such guidance, it is beneficial to the decision making process if applicants submit such justification as part of the initial planning application submission.
24. 12 dwellings triggers amenity greenspace and the majority of other typologies in LP63 but as less than 50 dwellings not the allotment typology.
25. Ward deficiencies

Open Space Provision Compared to Quantity Standards (RED = CURRENTLY DEFICIENT)**				
Select Ward	Amenity Greenspace (ha per 1000 pop)	Parks & Recreation Grounds (ha per 1000 pop)	Natural & Semi-Natural Greenspace (ha per 1000 pop)	Allotments (ha/p 1000 households)
Kirkburton	0.41	0.5	0.95	0.52

Amenity greenspace is required to make the development acceptable and although there is amenity greenspace within 720m it is of low or medium quality.

26. Dwelling triggers for Children & Young Peoples Provision: 12 dwellings does trigger CYPP – a LAP

Scale of Development	Local Area for Play (LAP)	Locally Equipped Area for Play (LEAP)	Neighbourhood Equipped Area for Play (NEAP)	Multi-Use Games Area (MUGA)
1-10 dwellings	x	x	x	x
11-50 dwellings	✓	x	x	x
51-200 dwellings	x	✓	x	x
201-500 dwellings	✓	✓	x	Contribution
501+ dwellings	✓	✓	✓	✓

Refer to Fields In Trust
[Guidance-for-Outdoor-Sport-and-Play-England](#)

27. On site or off site & Existing facilities in the vicinity: **off site** There are existing facilities in the vicinity, within the recommended 720m for accessibility of the site, which would require enhancement in lieu of on-site provision, potentially, but not limited to Grange Moor rec and Grange Moor park.
28. As the site lies well within the acceptable guidelines for proximity to existing provision within a 15min walk and less than 720m away we would recommend an off-site lump sum contribution towards existing Children and young people's provision
29. For the typologies not able to be provided on site, there are other existing greenspace and open space facilities in the vicinity, within the recommended 720m for accessibility of the site, which would require enhancement in lieu of on-site provision, potentially, although consultation with the local community and local councillors will be undertaken.
30. Delegated approval will be sought for the locations for the off site lump sums. This will be post planning permission when Section 106 planning obligations are paid, and schemes can become 'live', local engagement helps shape and inform the individual POS schemes identified for improvement.

31. Consultation with the local community and local councillors is undertaken post planning permission when Section 106 planning obligations are paid, and schemes can become 'live', to help shape and inform the POS schemes identified for improvements.

32. **Negotiation of a commuted sum with the LPA to facilitate improvements in an offsite location as a s106 agreement or similar**

Date: 25.09.2024
Development: MM126 2023.93704 land NW of, Urban Terrace, Denby Lane, Grange Moor

In accordance with LP63, SPD June 2021 Updated with rates from August 2024 [open-space-spd](#)

NOS Dwelling Count for Calcs (Table 1 LP63 New Open Space)	Input Number of Houses	Amenity Greenspace	Amenity Greenspace (sq.m space per dwelling)	Parks & Recreation Grounds	Parks & Recreation Grounds (sq.m space per dwelling)	Natural & Semi-natural Greenspace	Natural & Semi-natural Greenspace (sq.m space per dwelling)	Allotments/Community Growing	Allotments/Community Growing (sq.m space per dwelling)	Children & Young People	Children & Young People (sq.m space per dwelling)	Outdoor Sports	Outdoor Sports (sq.m space per dwelling)
Market/Affordable Housing (100%)	12	Yes	174.96	Yes	233.28	Yes	583.2	Yes	60	Yes	160.8	Yes	252
Market/Affordable Housing 2-bed Flats (75%)	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0
Market/Affordable Housing 1-bed Flats (50%)	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0	Yes	0
Housing for Older People	0	Yes	0	Yes	0	Yes	0	Yes	0	No		No	
Student Housing	0	Yes	0	Yes	0	Yes	0	No		No		No	
Totals	12		174.96		233.28		583.2		60		160.8		252
Qualifying POS meterage for this development?			Yes		Yes		Yes		No		Yes		Yes
Total meterage for this development			174.96		233.28		583.2		0		160.8		252

33.

Total Dwelling no	12			
Is POS being provided by developer?	No	This box (A) only when no POS provided on site.		
A. POS REQUIREMENTS SUMMARY	Cost (see below)	Admin @ 15%	Total Cost incl admin	Meters (see above)
Amenity Green Space	£4,956.52	£743.48	£5,700.00	174.96
Children & Young People	£5,639.33	£845.90	£6,485.23	160.80
Parks & Recreation	£6,886.96	£1,033.04	£7,920.00	233.28
Natural & Semi-Natural Green Space	£5,895.65	£884.35	£6,780.00	583.20
Allotments/Community Growing	£0.00	£0.00	£0.00	0.00
Outdoor Sports	£4,413.91	£662.09	£5,076.00	252.00
TOTAL	£27,792.38	£4,168.86	£31,961.23	1404.24
Shortfall/POS Requirement from developer:	£27,792.38			
Admin at 15%	£4,168.86			
Shortfall/POS Requirement from developer (rounded):	£31,962			

34.

B. Complete ONLY if POS supplied by Developer							
Input POS area to be provided(sq.m)			362		Remaining sq m0.00		
Development: MM126 2023.93704 land NW of, Urban Terrace, Denby Lane, Gran				Date: 25.09.2024			
INPUT % OR sq. m							
POS REQUIREMENTS SUMMARY	Cost (see below) excl admin	Sq Meters Req (based on no of dwellings)	Allocate Developer POS %	Developer POS Sq m Allocated	Value of developer POS	Outstanding Developer POS	
Amenity Green Space	£4,956.52	174.96		362	£4,956.52	0	
Parks & Recreation	£6,886.96	233.28		0	£0.00	£6,886.96	
Natural & Semi-Natural Green Space	£5,895.65	583.20		0	£0.00	£5,895.65	
Allotments/Community Growing	£0.00	0.00		0	£0.00	0	
Outdoor Sports	£4,413.91	252.00		0	£0.00	£4,413.91	
Children & Young People	£5,639.33	160.80	100% provided?	Min sq.m			
CHYPS provided by developer		LAP	No	0	£0.00		
		LEAP	No	0	£0.00		
		NEAP	No	0	£0.00		
		MUGA	No	0	£0.00		
					£0.00	£5,639.33	
TOTAL Cost (excl admin)		£27,792.38	1404.24		362	£4,956.52	£22,835.85
Outstanding POS Requirement from developer:		£22,835.85					
Admin at 15%		£3,425.38					
Inspection Fee (see Manco Fees Guidance tab)		£297.26					
Shortfall/POS Requirement from developer (rounded):		£26,559					

- 35.
36. We will require the measured areas for the on site pos provision in order to be able to calculate the off site contributions in lieu of sufficient pos being provided on site in the respective typologies. The table above demonstrates the typologies triggered and requirements in sq.m. or off site £ contribution with/without on site pos provision.
37. If the applicant submits a plan showing suitable and appropriate open space and the measured areas of their typologies, we can re-calculate this sum to reflect the on site provision.
38. Wildlife and habitat networks, TPO's, PROW : links & connectivity:
39. A linking surfaced footpath network should be considered creating healthy active travel routes and improvements that promote and facilitate greater use of the spaces and a strong integration with the surrounding new and existing communities, refer to the Highways Design guide: [Highway Design Guide Supplementary Planning Document \(SPD\) \(kirklees.gov.uk\)](https://www.kirklees.gov.uk/highway-design-guide-supplementary-planning-document-spd)
40. Walking and cycling routes are safeguarded under Policy LP23 of the Local Plan. A number of potential walking and cycling routes dissect the site and the integration of pedestrian and cycleway linkages should provide the framework for movement through a truly sustainable community in association with the greenspaces.

With regards our comments on the information provided in the application, these are without prejudice and are not to be read as approval on the principle of development

Advice to planning officer:

Required Actions- confirmation of accessibility and use of the public open spaces

Revision of landscaping plan to address comments above

Landscape – it would be prudent, given the setting of this scheme, to secure early submission of a detailed Landscape Management Plan and conditions suggested A, B and C below.

A s106, or similar, will be required with full details of the management and maintenance of the areas of on site Public Open Space, footpaths and planted slopes and bankings for the lifetime of the development, off site lump sums, inspection fee and contact for the private management company or resident management company arrangements. **The condition for the Landscape And Ecological Management Plan: (to be confirmed with GH)**

See condition indicative for LEMP below.

Submission of measured areas and typologies of open space to meet requirements of LP63 as per validation checklist.

To be satisfied with the proposals we will need to see early submission of detailed landscape information or amendments to the layout for the site.

Given the comments above, the proposals are not acceptable in their current form.

Should sufficient detailed landscape information not be forthcoming, we will require full detailed landscape proposals as per point 1 below together with details of the management and maintenance of the areas of Public Open Space for the lifetime of the development in the Planning Condition.

Once the above information is received, KC Landscape should be consulted once again, and appropriate conditions can be brought forward.

PROW: POS paths dedicated as highway: Yes if PROW agree

Has the developer considered an environmental and biodiversity toolkit for gardens for residents to incorporate such as fruit tree planting, compost bins, hedgehog houses, water butts and rain gardens?

All S106 Agreements should have indexation added to financial payments requirements

S106 HoT

Off Site Open Space & Location of site/s to receive POS contribution : £ 23,559 towards existing facilities in the vicinity of the development potentially, but not limited to Grange Moor rec and Grange Moor park.

By:. Preferably prior to occupation of 25% of dwellings (N.B. we're likely to require the payment or any final instalment earlier than the final dwelling, to avoid disincentivising completion)

Trigger points if payments phased: Preferably prior to occupation of 25% and 50%

On-site POS

- **Trigger point:** Preferably prior to occupation of 50% for both areas of POS
- **Trigger points if phased:** Preferably prior to occupation of 50% &/or 75% of dwellings
- **Open Space** - means the open space including play equipment to be provided on the Site as part of the Development;

- To provide the On-Site Open Space identified in the Approved Open Space and Drainage Scheme in accordance with the specification therein prior to first Occupation of 85% of the Dwellings.
 - To provide written notification to the Council of completion of the On-Site Open Space within 20 Working Days of completion.
 - To pay the **Open Space Inspection Fee** to the Council within 20 Working Days of receipt of written request from the Council (PROVIDED THAT such request shall not be made any earlier than the date of the Council's inspection of the On-Site Open Space and nothing in this paragraph 3.3 requires the Owner to pay the Open Space Inspection Fee on any date which is earlier than 20 Working Days after the inspection).
 - Subject to paragraph xxx to maintain and manage in perpetuity the On-Site Open Space and drainage infrastructure in accordance with the Approved Open Space and Drainage Scheme by way of incorporation of a Management Company which is registered at Companies House:
 - (a) which may already be in existence or which may be formed by the Owner for the purposes of carrying out the maintenance of the onsite open space and drainage infrastructure in accordance with this deed and which is incorporated in England and Wales or Scotland;
 - (b) which has its registered office in England and Wales or Scotland; and
 - (c) whose primary object is permitted to maintain and renew the drainage infrastructure and On-Site Open Space.
 - Not to transfer the On-Site Open Space to a Management Company until such time as the Council has certified in writing that the On-Site Open Space has been provided in accordance with the Approved Open Space and Drainage Scheme.
- Corresponding obligations for the Council:
- To inspect the On-Site Open Space within 20 Working Days of the date of receipt of notification of completion of the On-Site Open Space from the Owner.
 - To provide to the Owner, as soon as is reasonably practicable after an inspection during which the Council (acting reasonably) concludes that the On-Site Open Space has been provided in accordance with the Approved Open Space and Drainage Scheme, certification in writing confirming that to be the case.
 - **Bonds: or deposit – yes if there is on site POS and an off site contribution**
 - **Index linked: Always Yes** - All S106 Agreements should have indexation added to financial payments requirements
 - **The Developer covenants with the Council not at any time to use or allow the Open Space Land to be used as a site compound for the storage of construction materials and plant and/or the location of a site office in connection with the Development (unless otherwise agreed in writing with the Council).**

- The Developer shall at its own cost and expense construct lay out and substantially complete the Open Space Works in a proper and workmanlike manner with sound and good quality planting and materials in accordance with good horticultural and ecological practice to adoptable standards and to the reasonable satisfaction of the Council.
- **Inspection fee (simple, routine or complex see fee sheet):** Yes – as there is substantial POS being created on site with equipped provision and key landscape features being planted The Inspection fee, to be paid within a reasonable time after the inspection and certification by the council that the on site pos has been created (preferably as per the approved plans) and this fee shall **NOT** be tied in to the adoption by a private/residents management company nor any land transfer to the same).
- **Private/Resident Management company details:** Yes to be supplied prior to substantial completion of the on-site POS
- **Landscape Plan reference number (showing relevant areas of POS highlighted):** Shows on site POS shaded and or bounded by a colourful line

Conditions: TBC

Recommended as:

- A. Prior to the commencement of development full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These works shall include:
- (a) Means of enclosure around the site, including gates;
 - (b) Materials to be used for all hard surfaced areas
 - (c) Soft landscape works to include planting plans; plant schedules noting species, plant sizes and proposed numbers/densities where appropriate;
 - (d) an implementation, management and maintenance programme including full details for management of newly establishing trees including, but not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees.
 - (e) Impact of the proposed landscape planting on drainage infrastructure;
 - (f) The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this 5 year period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives written consent to any variation. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme agreed with the local planning authority

Reason: To enhance and conserve the visual amenity of the historic built environment as well as the natural environment in accordance with Policies LP24, LP30, LP32, LP35 and LP63 of the Kirklees Local Plan as well as Chapters 12 and 15 of the National Planning Policy Framework.

- B. **All planted materials shall be maintained for five years** and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation. Reason: In the interests of the visual amenity and character of the surrounding area and to accord with Policies LP24 and LP63 of the Kirklees Local Plan.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 & LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

- C. No building shall be occupied until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority which also includes the SuDS features. The scheme shall provide the means of providing biodiversity enhancement, and full details of how the landscaped areas, fruit trees and the playable spaces will be managed and maintained in perpetuity.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policy LP24 & LP63 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework

The information below is intended for the applicant to consider and include in any amendments of support the application in order to help provide sufficient landscape and open space information to aid the planning process:

1. Full landscape proposals are required as a planning condition including hard and soft landscape details and planting plans to create a diverse and attractive landscape which should enhance the setting of the development. Thoughtful planting to incorporate native species would contribute to enhancing the biodiversity in this setting and would help in the development of green corridors as well as providing valuable mitigation for existing local residents or those in the vicinity who will be overlooking this development should permission be granted. All details relating to existing retained trees and vegetation should also be provided, including their protection during the development.
 - Conditions will be included to secure detailed landscape plan and long-term management. For developments where detailed landscape design has not yet been agreed and the design needs to fulfil a requirement for ecological mitigation and/or enhancement tree planting.
 - No development shall take place until a landscape and ecological design (LEDS) has been submitted to and approved in writing by the local planning authority. The scheme shall provide the means of providing biodiversity enhancement, given the location and an inclusive and accessible public open space, managed and maintained in perpetuity.
 - We will require full detailed landscape plans indicating full planting specification, including:
 - Layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species. Any phasing of the works
 - Details of all hard landscape materials and boundary treatments, garden fences/walls etc. Proposed treatment to existing boundaries.
 - Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - Persons responsible for implementing the works.
 - Location and detailed design & layout of any public open space and maintenance responsibility for Public Open Space (POS), any equipped area and playable space.
 - Landscape Management Plan required including details of initial aftercare and long-term maintenance for minimum of 5 years. This should also include any existing trees and vegetation retained on site, plus management of any equipment or playable space, including safety inspections.
 - Details for monitoring and remedial measures, including replacement of any trees, shrubs or hedge that fails or becomes diseased within the first five years from completion.
 - The LEDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
 - Any s106 requirements for off site contributions and all S106 Agreements should have indexation added to financial payments requirements
2. The Council considers a presumption in favour of tree planting in verges and adjacent to carriageways in line with the West Yorkshire Combined Authority 'Green Streets ®' principles, unless there are valid reasons for their omission. Refer to the Highways Design guide: [Highway Design Guide Supplementary Planning Document \(SPD\)](https://www.kirklees.gov.uk/highways-design-guide-supplementary-planning-document-spd) ([kirklees.gov.uk](https://www.kirklees.gov.uk)). Tree planting is very important and getting the right types and size of trees in the right places is

imperative. Trees should be incorporated in the scheme for a variety of reasons: to a] visually break up the built form b] help to screen/ mitigate or frame certain views c] support biodiversity and create green corridors/green links, d] not to create a nuisance in peoples gardens through leaves in gutters or screen the sun etc. e] not to cause damage to property boundaries/garden fences/dry stone walls in the future, or damage any SuDS system. There are opportunities for tree planting within the site and this will help mitigate the scheme. That being said, careful design is required. Trees should be incorporated into the street where possible but when necessary, in gardens, not being located too close to buildings.

3. The scheme should consider how trees and street lighting should be specified together to avoid tree canopies from obstructing large amounts of street lighting and provision of a maintenance schedule for trees to ensure safe levels of lighting at street level once trees mature.
4. Policy LP24 of the Kirklees Local Plan advises that good design should be at the core of all proposals in the district. This reflects guidance within the National Design Guide and the National Planning Policy Framework, at Paragraph 126, which confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
5. Policy LP31 – Strategic Green Infrastructure Network states that priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. Development proposals within and adjacent to Strategic Green Infrastructure Networks should ensure: -
 - a. The function and connectivity of green infrastructure networks and assets are retained or replaced.
 - b. New or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland, and street trees.
 - c. The scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling network, by providing new connecting links where opportunities exist.
 - d. The protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network